

## SENATE BILL NO. 182

INTRODUCED BY J. COBB

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE INTERLOCAL COOPERATION ACT TO ALLOW SCHOOL DISTRICTS TO SHARE TEACHERS, SPECIALISTS, ~~OR~~ SUPERINTENDENTS, OR OTHER PROFESSIONAL PERSONS LICENSED UNDER TITLE 37; AMENDING SECTIONS 7-11-104, 7-11-105, 20-4-201, AND 20-4-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-11-104, MCA, is amended to read:

**"7-11-104. Authorization to create interlocal agreements -- issuance of bonds for joint construction -- hiring of teacher, specialist, or superintendent.** One or more public agencies may contract with any one or more other public agencies to perform any administrative service, activity, or undertaking or to participate in the provision or maintenance of any public infrastructure facility, project, or service, including the issuance of bonds for the joint construction of a facility under 20-9-404 ~~or, the hiring of a teacher or specialist under 20-4-201 or a superintendent under 20-4-401, OR THE HIRING OF OR CONTRACTING WITH ANY OTHER PROFESSIONAL PERSON LICENSED UNDER TITLE 37, that any of the public agencies entering into the contract is authorized by law to perform. The contract must be authorized and approved by the governing body of each party to the contract. The contract must outline fully the purposes, powers, rights, obligations, and responsibilities of the contracting parties."~~

**Section 2.** Section 7-11-105, MCA, is amended to read:

**"7-11-105. Detailed contents of interlocal agreements.** The contract authorized by 7-11-104 ~~shall~~ must specify the following:

(1) its duration;

(2) the precise organization, composition, and nature of any separate legal entity created ~~thereby~~ by the contract;

(3) the purpose or purposes of ~~said~~ the interlocal contract;

(4) the manner of financing the joint or cooperative undertaking and establishing and maintaining

1 a budget ~~therefor~~ for the undertaking;

2 (5) the permissible method or methods to be employed in accomplishing the partial or complete  
3 termination of the agreement and, if applicable, for disposing of property upon ~~such a~~ partial or complete  
4 termination;

5 (6) provision for an administrator or a joint board responsible for administering the joint or  
6 cooperative undertaking, including representation of the contracting parties on ~~said the~~ joint board;

7 (7) if applicable, the manner of acquiring, holding, and disposing of real and personal property used  
8 in the joint or cooperative undertaking;

9 (8) if applicable, the manner of sharing the employment of a teacher or specialist under 20-4-201,  
10 or a superintendent under 20-4-401, OR A PROFESSIONAL PERSON LICENSED UNDER TITLE 37; and

11 ~~(9)~~ (9) any other necessary and proper matters."  
12

13 **Section 3.** Section 20-4-201, MCA, is amended to read:

14 **"20-4-201. Employment of teachers and specialists by contract.** (1) The trustees of any district  
15 ~~shall~~ have the authority to employ any person as a teacher or specialist, but only a person who holds a  
16 valid Montana teacher or specialist certificate or for whom an emergency authorization of employment has  
17 been issued that qualifies ~~such the~~ person to perform the duties prescribed by the trustees for the position  
18 of employment. Each teacher or specialist ~~shall~~ must be employed under written contract, and each  
19 contract of employment ~~shall~~ must be authorized by a proper resolution of the trustees and ~~shall~~ must be  
20 executed in duplicate by the ~~chairman~~ presiding officer of the trustees and the clerk of the district in the  
21 name of the district and by the teacher or specialist.

22 (2) ~~No A~~ contract of employment with a teacher or specialist ~~shall~~ may not require ~~such the~~  
23 teacher or specialist to teach more than 5 days a week or on any holiday recognized by 20-1-305. ~~No A~~  
24 deduction ~~shall~~ may not be made from a teacher's or specialist's salary by reason of the fact that a holiday  
25 falls on a school day. ~~Any A~~ teacher's or specialist's contract made in conflict with the ~~5-days-per-week~~  
26 5-days-a-week provision of this section ~~shall~~ is not be enforceable against the teacher or specialist.

27 (3) Whenever the ~~board~~ boards of trustees of two or more school districts form a joint board of  
28 trustees under the provisions of 20-3-361 or when the boards of trustees of two or more school districts  
29 enter into an interlocal agreement pursuant to Title 7, chapter 11, part 1, to cooperatively share the  
30 employment of a teacher or specialist, such the joint board of trustees or the boards of trustees of two

1 or more school districts, pursuant to an interlocal agreement, may execute a contract of employment with  
2 a teacher or specialist who shall serve the districts. When ~~such~~ a contract is executed, the districts shall  
3 prorate the compensation provided by ~~such the~~ contract on the basis of the total number of instructional  
4 hours expended by ~~such the~~ teacher or specialist within each district.

5 (4) Any contract executed under the provisions of this section may contain the oath or affirmation  
6 prescribed in 20-4-104, and the teacher or specialist shall subscribe to ~~such the~~ oath or affirmation before  
7 an officer authorized by law to administer oaths."

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9 **Section 4.** Section 20-4-401, MCA, is amended to read:

10 **"20-4-401. Appointment and dismissal of district superintendent or county high school principal.**

11 (1) The trustees of any high school district, except a county high school, and the trustees of the  
12 elementary district where its high school building is located shall jointly employ and appoint a district  
13 superintendent. The trustees of a county high school shall employ and appoint a district superintendent,  
14 except that they may employ and appoint a holder of a class 3 teacher certificate with a district  
15 superintendent endorsement as the county high school principal in lieu of a district superintendent. The  
16 trustees of any other district may employ and appoint a district superintendent.

17 (2) Whenever a joint board of trustees has been formed by a county high school and the  
18 elementary district where the county high school is located, ~~such the~~ joint board shall jointly employ and  
19 appoint a district superintendent. During the term of contract of the jointly appointed district  
20 superintendent, neither district ~~shall may~~ separately employ and appoint a district superintendent or county  
21 high school principal.

22 (3) School districts other than those provided in subsection (2) that form a joint board of trustees  
23 or the boards of trustees of two or more districts may jointly employ and appoint a district superintendent,  
24 as allowed in 20-3-362, or may enter into an interlocal agreement pursuant to Title 7, chapter 11, part  
25 1, to cooperatively share the employment of a district superintendent.

26 (4) The written contract of employment of a district superintendent or a county high school  
27 principal ~~shall must~~ be authorized by the proper resolution of the trustees of the district or the joint board  
28 of trustees and executed in duplicate by the ~~chairman~~ presiding officer of the trustees or joint board of  
29 trustees and the clerks of the districts in the name of the districts and by the district superintendent or the  
30 county high school principal. ~~Such The~~ contract ~~shall must~~ be for a term of not more than 3 years, and

1 after the second successive contract, the contract ~~shall be deemed~~ is considered to be renewed for a  
2 further term of 1 year from year to year ~~thereafter~~ unless the trustees ~~shall~~, by resolution passed by a  
3 majority vote of its membership, resolve to terminate the services of the district superintendent or the  
4 county high school principal at the expiration of ~~his the~~ existing contract. The trustees shall take ~~such the~~  
5 termination action and notify the district superintendent or the county high school principal in writing of  
6 their intent to terminate ~~his the~~ superintendent's or principal's services at the expiration of ~~his the~~  
7 superintendent's or principal's current contract not later than February 1 of the last year of ~~such the~~  
8 contract.

9 (5) Whenever a joint board of trustees or the boards of trustees of two or more districts employs  
10 a person as the district superintendent under subsection (2) or (3), the districts shall prorate the  
11 compensation provided by the contract of employment on the basis of the number of teachers employed  
12 by each district.

13 (6) At any time the class 3 teacher certification or the endorsement of the certificate of a district  
14 superintendent or a county high school principal that qualifies ~~such the~~ person to hold ~~such the~~ position  
15 becomes invalid, the trustees of the district or the joint board of trustees shall discharge ~~such the~~ person  
16 as the district superintendent or county high school principal regardless of the unexpired term of ~~his the~~  
17 contract. The trustees ~~shall~~ may not compensate ~~him the~~ superintendent or principal under the terms of  
18 ~~his the~~ contract for any services rendered subsequent to the date of the invalidation of ~~his the~~ teacher  
19 certificate.

20 (7) ~~No A~~ district superintendent or county high school principal ~~shall~~ may not engage in any work  
21 or activity ~~which that~~ the trustees ~~may deem~~ consider to be in conflict with ~~his the~~ duties and employment  
22 as the district superintendent or county high school principal."

23

24 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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